

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

United States Court
Southern District of Texas
FILED

JUN 09 2022
Nathan Vansner, Clerk of Court

UNITED STATES OF AMERICA

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v.

CRIMINAL NO. C-22-255

LEONARDO BARROSO

Amended

STIPULATION OF FACT IN SUPPORT OF GUILTY PLEA

The defendant, LEONARDO BARROSO, has agreed to stipulate with the United States Attorney for the Southern District of Texas, Jennifer B. Lowery, through the undersigned Assistant United States Attorney, to the following facts. The parties agree that these facts are sufficient to establish a factual basis for the defendant's plea, pursuant to Fed. R. Crim. P. 11(b)(3).

I.

The defendant confesses that within the Southern District of Texas on or about December 29, 2021:

- 1) That the defendant made a false oral or written statement;
- 2) That the defendant knew the statement was false;
- 3) That the statement was made in connection with the acquisition of a firearm from a licensed firearms dealer;
- 4) That the statement was intended or was likely to deceive a licensed firearms dealer; and
- 5) That the alleged false statement was material to the lawfulness of the sale or disposition of the firearm.

The defendant confesses that, within the Southern District of Texas, on or about February 7, 2022:

- 1) That the Defendant knowingly used a means of identification of another person;
- 2) That the defendant did so without lawful authority;

- 3) That the defendant used the means of identification of another person during and in relation to a false statement made during the acquisition of a firearm; and
- 4) That the defendant knew that the means of identification in fact belonged to another real person, living or dead.

II.

The defendant further stipulates that had the case proceeded to trial the United States would have called witnesses who would have testified that:

On December 29, 2021, LEONARDO BARROSO entered EKB Custom Designs Inc., in Corpus Christi, Texas, and purchased and received a firearm, namely an FM Products model: FMP 9 caliber: 9mm Pistol, bearing serial number: 9-24070. EKB Custom Designs Inc. is a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code. As part of the purchase, Barroso was required to accurately complete a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Form 4473, Firearms Transaction Record to legally purchase the firearm. However, when filling out the Form 4473 Barroso falsely provided the response to question 21(a) by checking the box indicating "Yes" to the following question:

21(a) "Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)? Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you."

when in fact as the defendant then knew, the answer to the question posed in question 21(a) was "No."

At the time of the form was completed, Barroso intended to purchase the firearm for a third party for transfer to Mexico. Barroso subsequently exited the store and handed possession of the aforementioned firearm to the third party, EKB

Custom Designs Inc. would not have transferred possession of the aforementioned FM Products FMP 9 Pistol to Barroso had he truthfully answered question 21(a).

ATF executed a federal search warrant on Barroso's residence in Brownsville, Texas, on March 31, 2022. ATF agents were able to find a purchase receipt for the aforementioned firearm from EKB Custom Designs Inc. When interviewed, Barroso admitted he had purchased the firearm from EKB Custom Designs Inc., that he intended to transfer the firearm to a third person at the time of purchase, that he did in fact transfer the firearm to a third person immediately after purchase, and that he knowingly lied on the ATF Form 4473 when answering question 21(a).

Barroso further stated that he had purchased a different firearm from ACME Tactical, Portland, Texas, on February 7, 2022, using a means of identification belonging to another person, to wit: Social Security number XXX-XX-XX49 and that he knew that the identification belonged to an actual living and real person. He further stated that he used the identification without lawful authority. Barroso further stated that he used the identification to purchase a 9mm UT9M Pistol with the serial number VT21A00082, from ACME Tactical on February 7, 2022. He further stated that he used the name and address of the person with the social security number XXX-XX-XX49 when Barroso completed the required ATF Form 4473 for the aforementioned firearm purchase. At the time of the firearm purchase, ACME Tactical was a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code. As part of the purchase, Barroso was required to accurately complete a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Form 4473, Firearms Transaction Record to legally purchase the firearm. However, when filling out the Form 4473 Barroso falsely provided the response to question 21(a) by checking the box indicating "Yes" to the following question:

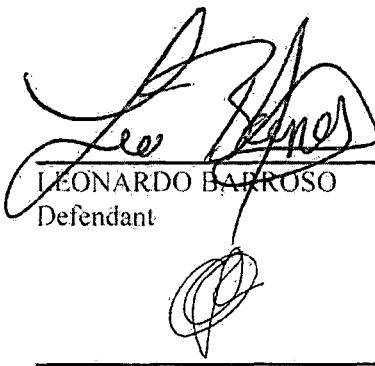
21(a) "Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)? Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you."

when in fact as the defendant then knew, the answer to the question posed in question 21(a) was "No." At the time of the form was completed, Barroso intended to purchase the firearm for a third party for transfer to Mexico. Barroso received the firearm and immediately thereafter transferred the firearm to a third party.

III.

The parties hereto agree that the United States could prove the above facts beyond a reasonable doubt.

The undersigned have thoroughly reviewed, understand, and agree that the information contained in this Stipulation of Fact is true and correct.


LEONARDO BARROSO
Defendant


Attorney for Defendant

JENNIFER B. LOWERY
UNITED STATES ATTORNEY

By: Christopher Marin
Christopher Marin
Assistant United States Attorney